

**MINUTES**  
**CITY COUNCIL MEMBERS “NOON” MEETING**  
**MONDAY, JANUARY 31, 2000**  
**CONFERENCE ROOM 113**

**Council Members Present:** Coleen Seng, Chair; Jeff Fortenberry, Vice-Chair; Jonathan Cook, Cindy Johnson, Annette McRoy, Jerry Shoecraft; **Absent from “Noon” Meeting:** Jon Camp.

**Others Present:** Ann Harrell, Mayor’s Office; Dana Roper, City Attorney; Joan Ray, City Council Secretary; and Chris Hain, *Lincoln Journal Star* Representative.

**Prior to the Approval of the Minutes,** Ms. Seng asked Ms. Harrell to address the Council on any concerns or information she might have since she would be leaving the Council Members’ “Noon” Meeting early to attend a Directors’ Meeting in the Mayor’s Office.

Mr. Fortenberry asked if she had any thoughts on the Towing Contract. Ms. Harrell commented that she felt nothing had changed in the Mayor’s Office in this regard. The Mayor had said two weeks ago that he would pass it as it had been presented in the first place; but if Council chose to do something differently, he did not feel strongly about the issue. He has been gone, but Ms. Harrell noted that he had not said anything to her to suggest that his position has changed.

Mr. Shoecraft stated that the purpose of his calling for the reconsideration was because he had been thinking about the issue and listening to peoples’ concerns. The company didn’t ask for any of the terms to be changed, nor the pricing; it was the City that made the changes. So, it is a matter of honoring a contract that Council needs to address. The Phantom Co. has made a large investment in anticipation of the contract renewal - because they were told that if they did a good job, they would get the four year roll-over. Mr. Shoecraft felt he could not do this to anyone. Ms. Seng stated that when the company contacted her, after the vote, they had stated that they were really having trouble getting clients.

Ms. Harrell asked if what was being reconsidered today was the passage of the four year renewal, as originally proposed? Ms. Seng stated that that was where she was coming from. Mr. Fortenberry stated that he was not necessarily in favor of the reconsideration. He stated that he understood what everyone was saying in that regard; it is a dilemma for the company, but if the City did do that...stated that if everything is reasonable that you will get the four year extension...they need to be very careful, because the four year extension is *not* a done deal.

Ms. Harrell noted that anyone in that situation, would have an expectation on the part of the Council and Administration; but that these contractors understand that if a contract has a four year renewal clause, it still has to go back for an approval vote. They should realized that all the purchasing agent was indicating was that if a good job is done, there is no reason to think that *he* would not recommend them to the Council and Administration at the time for renewal. The only other thought that Ms. Harrell put forth is that if Council wants to renew for one or four or two years, as far as the terms of the contract, Vince Mejer ought to be given the opportunity to negotiate the terms for the City.

Mr. Fortenberry felt at this point that any other consideration -other than a renewal of four years- is off the table, because Council passed the one year and the company indicated they would not accept that. Ms. Seng requested that it be made sure that Mr. Mejer be at the meeting today. Ms. Harrell indicated that she would double check to make sure that he planned to be there.

Ms. Seng thanked Ms. Harrell for her comments and Ms. Harrell left the meeting.

## **I. MINUTES**

1. Minutes of "Noon" Council Members' Meeting - January 24, 2000.
2. Minutes from Director's Meeting of January 24, 2000.
3. Pre-Council Meeting Minutes - RE: East "O" Street Project - January 24, 2000.
4. Pre-Council Meeting Minutes - RE: Traffic Signals and Traffic Optimization / Management - January 24, 2000.

Ms. Seng, Council Chair, requested a motion to approve the above-listed minutes. Jonathan Cook moved approval of the minutes, as presented. Cindy Johnson seconded the motion, which carried by the following vote: AYES: Jonathan Cook, Cindy Johnson, Coleen Seng, Jeff Fortenberry, Jerry Shoecraft; NAYS: None; ABSENT FOR VOTE: Jon Camp, Annette McRoy.

## **II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES**

1. PBC PLANNING SESSION MEETING (Camp/Seng) Ms. Seng reported that there were two long work sessions last week. One was the PBC and one was the Human Needs meeting with JBC. At the Public Building Commission, the Committee went through a review of all the various City and County buildings that are under the control of the PBC. The committee was trying to understand how they all fit together and which ones could be put up for sale to bring in some cash revenues to help deal with the parking garage at some point. The bond money has been used up, so now we have to get money coming in.

At the same time, there was a great deal of discussion about the 3rd Floor in this building and the possibilities we have there. The County stated that their growth will be in Corrections and Probation. They have no control over that, but it is passed on to them from the State level. The City side of PBC talked about 3rd Floor expansion for Aging and Urban Development and Planning, if there is growth in those areas. If the Police Building is emptied, then the IS Department would need to be moved to the 3rd Floor. The Mayor's Office was not thrilled with using the 3rd Floor for that; so there was a lot of discussion about what uses each building would be put to.

The Denver study on the Old Federal Building is ongoing; those people attended this meeting. A lot of time was spent discussing ideas on the use for the Old Fed; Jon Camp discussed the shuttle system for the downtown area; Polly McMullen was at the meeting from DLA to talk about the parking study being done in cooperation with the City in the year 2001.

Mr. Cook asked, regarding the 3rd Floor, if IS deals with City Departments on a basis where they are working in and with other Departments in this building; or does IS set things up then just come in as a trouble shooter when necessary, but otherwise keep to their computers? Mr. Cook did not know how interactive they are with other City Departments. He felt it makes sense to have the 3rd Floor in this building house something that serves the public. But, on the other hand, it makes sense to put in a department that deals with things and Departments in this building.

Ms. Seng stated that some members brought out the thought that what is put up there should not be a high traffic department. So, it is not a question of if the public needs to get up there all the time. She noted that the discussion on this topic was just back and forth.

Mr. Cook asked if there was discussion of moving any departments that are currently located on the 1st or 2nd Floor up to the third floor? Ms. Seng indicated that there was not. She did note that the County knows there will be a Juvenile Court and the Public Defenders Office - anything connected with Corrections and Probation. We could move some judges from the Hall of Justice over here, even though we are just now getting the judges moved in.

Mr. Roper noted that the fight of Juvenile Justice will be for City Attorney's space. The expansion will come in the Juvenile Court, which is right next door to the City Attorney's Offices. The fight will be for space there with the thought of moving the City Attorney's Office to the 3rd Floor. He felt this scenario would be proposed before the discussion was ended.

2. SPECIAL MEETING OF THE JOINT BUDGET COMMITTEE (Johnson/Seng) Ms. Seng reported that the other long session was the one with the Joint Budget Committee. She stated that they went through the Human Needs Study. They reviewed each agency to see where each was landing with the new Human Needs Study and the Nine Priorities, but no decisions were made. Only philosophical discussions with Kathy Campbell being the task mistress when it came to going through all of this material. The County deals with human services needs constantly under State mandate.

3. BOARD OF HEALTH MEETING (Johnson) Unable to attend due to illness.

4 NORTH 27TH STREET IMPLEMENTATION COMMITTEE (McRoy/Seng) This was discussed at a previous meeting today. Mr. Shoecraft mentioned a building that seemed to be an eyesore there and wondered how that had been allowed. Mr. Cook asked if there had been any discussion of creating a special sign district like the Haymarket has? If so, independent of the billboard regulations and everything else, we could have specific control over that area. Ms. Seng noted that the Board had to be appointed before any discussion could be initiated.

Ms. McRoy mentioned that they wanted uniform signage in the area. Mr. Cook stated that the special sign district was a separate issue from the BID. That could have been developed as part of the re-zoning. He thought that perhaps this could come in at any time as part of the Council's action. He felt Council just needs to know if we want to push forward on the issue. Ms. Seng suggested that if Jan Gauger were at the meeting today, to ask if anything has been done on this, because they might bring that forward.

5. STAR CITY HOLIDAY FESTIVAL BOARD MEETING (McRoy) No Meeting

6. DLA BOARD OF DIRECTORS MEETING (Seng) Ms. Seng reported that this is where she had heard about the amendments being discussed for the State Statute. It would be a change. She asked Mr. Roper if the change would be that instead of the current process, under which the City only has to hear from those *opposed* to a BID, and have a majority, it is being re-written to hear from those who *want* the BID. Mr. Roper indicated that he believed this was correct; but there are several versions of the amendment and he was not sure which one the League was advancing.

Ms. Seng said that the Board had also received a report on the Childrens' Museum.

7. PRT MEETING (Shoecraft) - No Report

## OTHER MEETINGS

1. ANTELOPE VALLEY ADVISORY COMMITTEE - Ms. Seng reported that the group spent most of the meeting discussion Phase I pieces and debating those. Then they dispersed into small groups and discussed a Town Hall Meeting, which will probably come up in March or April.

*Mr. Fortenberry* reported that he and the Mayor and some City Staff met with the Downtown Rotary Club president and the Foundation Director regarding the Entryway and the possibility of their participation in the project. The meeting was very fruitful and Mr. Fortenberry thought, if Council were amenable, that setting out in this direction which establishes this as a public/private partnership and allowing such a cross-section of community leadership, would go a long way in accomplishing a great deal. He presented a copy of an article on Omaha's Abbott Drive, noting that it cost a great deal of money, but was a great example of a community's beautification efforts.

*Mr. Cook* reported on the Billboard Amortization Legislative Hearings. Mr. Cook stated that he spoke at that meeting on Thursday afternoon. He reported that primarily, the issue was eliminating billboards as this strange exception that State Law allows for amortization of all non-conforming uses. Each one, of course, is treated differently and a reasonable schedule must be presented and courts have to see it as reasonable as well. But, all non-conforming uses can, potentially, be amortized under State Law, *except for billboards*. Mr. Cook wondered why they were singled out as special and felt it was hard to justify. The other factor is that amortization is actually beneficial to billboard companies over a cash payment. The issue is we just can't afford a cash payment.

He felt the State Senators had difficulty with the concept, generally, that we were presenting. He did not feel that they understood very well what we were trying to say. He felt the presentation was not as good as it should have been. We should have been better prepared with numbers so we could show them that truly this is beneficial to the billboard companies; that they do benefit from having an extra seven years at a site.

Mr. Cook indicated that they just didn't have those numbers and merely arguing on principle and the law was not as important as dealing with the actual numbers. It is clear that this is constitutional. We are still working on it in meetings with State Senators and the City Lobbyist is working on it. Hopefully, we'll do alright on the issue. This bill won't pass this year unless it is someone's priority, anyway. However, if we can get the Committee to agree to it, next year we'll have an easier time. We'll try then.

## III APPOINTMENTS/REAPPOINTMENTS - None

ADDENDUM- Appointments/Reappointments as noted below - **Noted without Comment**

1. Memo from Jennifer Brinkman - Re: Boards & Commission Appointments:
  - A. *Heating, Ventilating and Cooling Examiners Board* - John Henry "Jack Zhoner (Replacing Forest Boyum) - Term to 4-04-02
  - B. *Community Development Task Force* - Diana Pasco (Replacing Margaret Walker, who resigned) Term to 8-31-00.

C. *Cable Advisory Board* - Jim Johnson (Replacing Denis Donahoe, who resigned)  
Term to 07-01-01.

**IV. MEETINGS/INVITATIONS - None**

**V. COUNCIL MEMBERS**

**JON CAMP** - Absent from Meeting

**JONATHAN COOK** - Mr. Cook, after reviewing the article Mr. Fortenberry had presented, noted that the City of Omaha had planted 3500 trees along Abbott Drive which is more than the City of Lincoln planted city-wide.

**JEFF FORTENBERRY** - No Further Comments

**CINDY JOHNSON** - No Further Comments

**ANNETTE McROY** - Ms. McRoy asked about the citizens' lobbying Mr. Shoecraft and other Council Members on the paving of an alley near the Town Cobbler's Shoe Repair. Mr. Shoecraft noted that the owner of that business had been promised, years ago, that the alley would be paved. Mr. Shoecraft confirmed that information with Mr. Jerry McGinn. Ms. McRoy stated that she, after discussing this with the Public Works Director, felt it would be a bad precedence to pave an alley based on hearsay. There are many residential alleys and streets that need to be paved. We learned at the pre-council on this issue that we don't have the money. If we're going to have a policy of not doing anything, he can't force us to do this.

Mr. Shoecraft stated that he felt the alley should be paved. Ms. Seng asked what the normal process was for an alley paving. She questioned if there wasn't some sort of paving district process. Ms. McRoy indicated that the owner didn't want to pay for a paving assessment. She noted that another option would be for the City to vacate the alley and he would buy it and pay for the paving himself. Ms. Seng noted that the City has not paid for other alleys.

Ms. McRoy stated that the problem is that he is expanding and is building a 'biker bar' there. Ms. McRoy commented that she was not interested in paving an alley to accommodate a biker bar. She noted that when she first became involved in the issue, she believed he was expanding the shoe business and felt it would be helping a small down-town business. She had thought it was going to be additional retail which the downtown needed, but that is clearly not the case now.

Ms. McRoy felt she is not sure she would want to vacate the alley. Ms. Seng asked if Public Works was working with the owner on this. Ms. McRoy stated that he has been in contact with the Public Works Department and has been turned down on this paving issue. His next step is to lobby the Council to bring it forward. She is opposed to this.

The privacy of the Council's Executive Sessions as well as the Directors' and "Noon" Meetings was discussed when Mr. Shoecraft noted that the camera was on and that he had heard, on another occasion, Council discussions going on at a non-televised Council meeting when he had stepped outside of the conference room. Ms. Seng noted that everything was unplugged during executive sessions.

Council agreed that this was done, but only sometimes. Ms. Seng requested that Mr. Roper check into the situation.

**COLEEN SENG** -.No Further Comments

**JERRY SHOECRAFT** - No Further Comments

DANA ROPER - Mr. Roper reported that, just for Council's information, Phantom, Inc has formally stated that they will not accept the Council's proposed one year renewal of the towing contract. Mr. Cook asked if Council wanted to figure out what action they would take now rather than during the Council Meeting. Ms. Seng commented that they would have to wait until all the Council Members were present at the meeting.

Mr. Shoecraft stated that that is what the company should have done - decline the one year renewal contract Then, because there is a reconsideration, they will see how the reconsideration goes. There is nothing for Council to "do" at this point.

ANN HARRELL - Left after opening comments.

## **VI. REQUESTS OF COUNCIL FROM MAYOR - *None***

## **VII. MISCELLANEOUS -**

1. Discussion with Joan Ray about the Green Packet Bags. - Ms. Ray expressed the Staff's desire that Council RETURN the Green Packet Bags each week. Council, with good humor, agreed to do so.

2. Final Approval of the Business Cards proof. Mr. Shoecraft expressed concern regarding the time this has taken this to reach the actual printing stage. Council agreed to just do it! **Ok'd & Ordered on 1-31-00**

3. Discussion on Menu for Thursday, February 17th Meeting regarding Restructure of the City Council - 4:00 - 7:00 p.m. in Conference Room 113. (Individuals must pay for own meal - per Dana Roper) Menus to be returned to Joan Ray so that the order may be turned in. Non-Council individuals participating in the meeting have been forwarded the Menu and will return their choices to Ms. Ray. The Luncheon will be delivered at 5:00 p.m. on 2-17-00 by Brown Baggers of Lincoln.

### **ADDENDUM - (Miscellaneous - Item 1)**

1. Discussion of Council and photo opportunity for CIC - Ms. Seng announced that the Citizens' Information Center Director, Diane Gonzolas, wanted a time to photograph the current City Council in order to continue the recently initiated tradition of photographing a sitting Council for the sake of posterity. It was agreed to set a time aside just prior to a formal Monday Council Meeting. **[Ms. Gonzolas has been contacted. She has scheduled the photo date for February 28th . She will begin set-up at 1:15 p.m. in the Council Chamber - Please be there]**

**VIII. MEETING ADJOURNED** Approximately 1:00 p.m.

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